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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,069	01/22/2001	Thomas Glenn Hall JR.	RIC00025	2505

25537 7590 08/31/2006

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EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 09/768,069	Applicant(s) HALL, THOMAS GLENN	
	Examiner Phirin Sam	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8,10-13 and 23 is/are rejected.
- 7) ☒ Claim(s) 2,4,7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

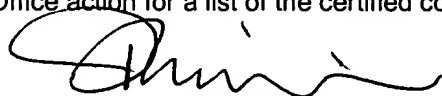
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/04/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. Claims 1 and 8 of this application conflict with claims 1 and 6 of Application No. **2002/0061101**, respectively. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 5, and 8 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, and 8 of U.S. Patent No. **2002/0057693**.

Although the conflicting claims are not identical, they are not patentably distinct from each other

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because “a multi-service control point” of claim 1 of the instant application performs all limitations of US Patent 2002/0057693 of claim 1 and does not specifically disclose “generate an alias ATM address of a called party CPE that corresponds to a network gateway in communication with a PSTN switch through a plurality of trunk lines and a desired trunk line of the plurality of trunk lines”. However, instead, claim 1 of the instant application discloses “a request to establish a point-to-multipoint connection, enforce policies regarding establishment of point-to-multipoint connections”.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, 6, 8, 10-13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,535,991 (hereinafter referred as “Gallant”) in view of US Patent 6,895,088 (hereinafter referred as “Nelson”).

Regarding claims 1, 5, 8, and 23, Gallant discloses an intelligent network for use with an ATM network to set up an ATM switched virtual circuit to provide VTOA services and point-to-multipoint connectivity, the intelligent network comprising:

(a) a multi-service control point (MSCP) operable to receive an input extracted from an input ATM setup message that includes a called party phone number value, a VTOA designator, and a request to establish a point-to-multipoint connection, enforce policies regarding establishment of point-to-multipoint connections, and generate an output in response for use in generating an

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output ATM setup message (see Figs. 1, 4, and 5, element 130, col. 5, lines 35-67, and col. 6, lines 1-57);

(b) an ATM signaling intercept processor (ASIP) operable to intercept the input ATM setup message from an ingress ATM edge switch of the ATM network, extract the input from the input ATM setup message, communicate the input to the multi-service control point, receive the output generated by the multi-service control point, generate the output ATM setup message using the output, and communicate the output ATM setup message to the ingress ATM edge switch of the ATM network (see Figs. 1 and 2, element 120, col. 3, lines 7-24, 32-52);

Gallant does not disclose a service administration (SA) operable to provision the multi-service control point and the ATM signaling intercept processor. However, Nelson discloses a service administration (SA) operable to provision the multi-service control point and the ATM signaling intercept processor (see Figs. 1 and 2, element 104, col. 5, lines 6-35). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the service administration teaching by Nelson with Gallant. The motivation for doing so would have been to provide call management applications such as call trace, call tap, remote call control, accounting, configuration, and interfacing between external devices and the call processing elements read on abstract. Therefore, it would have been obvious to combine Nelson and Gallant to obtain the invention as specified in the claims 1, 5, 8, and 23.

Regarding claims 3, 6, 11, and 13, Gallant discloses further operable to perform allow the point-to-multipoint connection to be established if a calling party is authorized to make point-to-multipoint connections and a bandwidth requested is within authorized bandwidth limits (see Fig. 1, col. 5, lines 44-58).

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Regarding claims 10 and 12, Gallant discloses the multi-service control point is operable to track number of leaf nodes of a point-to- multipoint connection (see Figs. 1 and 4, col. 5, lines 59-67, and col. 6, lines 1-6).

Allowable Subject Matter

6. Claims 2, 4, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-21 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: August 29, 2006

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**